

**JS-6**

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
3470 Twelfth Street, Riverside, CA 92501  
CIVIL MINUTES -- GENERAL

Case No. ED CV 08-01648-SGL(Ex)

Date: December 29, 2008

Title: LUCY GARCIA -v- CALIFORNIA RECONVEYANCE, ET AL.

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PRESENT: HONORABLE STEPHEN G. LARSON, UNITED STATES DISTRICT JUDGE

Jim Holmes  
Courtroom Deputy Clerk

None Present  
Court Reporter

ATTORNEYS PRESENT FOR PLAINTIFFS:

ATTORNEYS PRESENT FOR DEFENDANTS:

None present

None present

PROCEEDINGS: ORDER GRANTING MOTION TO DISMISS; ORDER VACATING HEARING  
DATE

On November 19, 2008, defendant filed a motion to dismiss all the claims in the complaint. The caption on defendant's motion showed that the hearing on it was noticed for March 2, 2009. The Court thereafter re-scheduled the hearing on said motion to January 5, 2009. In the order re-scheduling the matter to the present hearing date, plaintiff was specifically apprised that she had until December 22, 2008, to file an opposition to the motion to dismiss.

This district's Local Rules provide that "[e]ach opposing party shall, not later than ten (10) days after service of the motion in the instance of a new trial motion and not later than fourteen (14) days before the date designated for the hearing of the motion in all other instances." See Local Rule 7-9. Accordingly, plaintiff had until December 22, 2008, to file an opposition to defendant's motion to dismiss. The time for plaintiff to file her opposition has come and gone without her doing so.

Plaintiff's failure to file an opposition to defendant's motion to dismiss is deemed by this Court as plaintiff's consent to the granting of the same. See Local Rule 7-12 ("The failure to file any required paper, or the failure to file it within the deadline, may be deemed consent to the granting or denial of the motion"); see also Ghazali v. Moran, 46 F.3d 52, 53-54 (9th Cir. 1995) (holding that district court did not err in summarily granting defendants' motion to dismiss pursuant

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MINUTE ORDER of December 29, 2008

to a local rule where the pro se plaintiff had time to respond to motion but failed to do so).

Accordingly, defendant's motion to dismiss is **GRANTED** and all the claims in the complaint are hereby **DISMISSED**.

The previously noticed January 5, 2009, hearing on the motion to dismiss is hereby **VACATED**.

IT IS SO ORDERED.